

## REMARKS

Claims 1-22 are pending in the present application.

As noted above, Applicant has elected the Species corresponding to Fig. 7 for further examination, whereby claims 5-13, 15-17 and 22 are readable on the elected Species. The Election of Species Requirement is traversed for the following reasons.

On page 2 of the Election of Species Requirement dated January 27, 2003, the Examiner has acknowledged that all the pending claims have been previously examined in connection with the Office Action dated June 27, 2002, but that the claims were only examined as best understood by the Examiner, due to perceived indefiniteness and unclear scope of the claims. The Examiner has further alleged that multiple species are now evident in view of the Amendment dated October 28, 2002, and that the Election of Species Requirement is now necessary.

As set forth in 37 C.F.R. §1.146:

**"In the first action** on an application containing a generic claim to a generic invention (genus) and claims to more than one patentably distinct species embraced thereby, the examiner may require the applicant in the reply to that action to elect a species of his or her invention to which his or her claim will be restricted if no claim to the genus is found to be allowable...." (emphasis added).

Applicant emphasizes that 37 C.F.R. §1.146 does not authorize an Election of Species Requirement subsequent a first action on the merits. Accordingly, Applicant

respectfully submits that the Election of Species Requirement is improper for at least these reasons.

Moreover, Applicant respectfully emphasizes that the scope of the original claims was understood by the Examiner to the extent necessary to reject the claims as anticipated under 35 U.S.C. 102(b), in the Office Action dated June 27, 2002. Accordingly, since it is apparent that the scope of the original claims was understandable and clear enough to apply alleged anticipatory prior art, the claims also must have been reasonably understandable and clear enough to determine whether multiple species existed.

Furthermore, as emphasized in Manual of Patent Examining Procedures section 803:

“If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to independent or distinct inventions”.

Regardless of whether the original claims were perceived as indefinite or as of unclear scope, original claims 1-13 were examined on the merits, **prior to the Election of Species Requirement**. Since claims 1-13 were examined in the Office Action dated June 27, 2002, it is clear that further examination of claims 1-13 would not be a serious burden. Particularly, the search fields that would correspond to the subject matter of claims 1-13 have already been considered by the Examiner. Accordingly, the Election of Species Requirement in this case is in contradiction to the guidelines set forth in

Manual of Patent Examining Procedures section 803, and is thus improper for at least these additional reasons.

With regard to the groupings of the species and figures as offered by the Examiner on page 2 of the Election of Species Requirement, a second preferred embodiment of the present application is described beginning on page 6, line 23 as described with reference to Figs. 6-8. As should be understood in view of the subsequent description, Figs. 6-8 correspond to an embodiment having frame portions 62 and second die pad supporter portions 63 as the stress absorbing portion. **Thus, Fig. 6 and 7 should be considered as readable on a single species.** Accordingly, Applicant respectfully submits that the Election of Species Requirement is thus improper for at least these additional reasons.

The Examiner has further asserted in the Election of Species Requirement that no claims are believed to be generic. However, Applicant respectfully submits that claims 1, 2, 4, 14 and 21 are generic to all the species as illustrated in Figs. 1-8. **The Examiner is thus respectfully requested to examine claims 1, 2, 4, 14 and 21 as generic, along with claims 5-13, 15-17 and 22 of the elected species.** Accordingly, if claim 1 should be found allowable, the Examiner is respectfully requested to rejoin and examine claims 3 and 18-20 of the various other species.

Favorable consideration and early allowance of the present application are earnestly solicited.

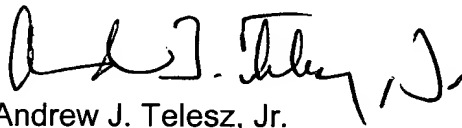
In the event that there are any outstanding matters remaining in the present

application, the Examiner is invited to contact Andrew J. Telesz, Jr. (Reg. No. 33,581) at (703) 715-0870 in the Washington, D.C. area, to discuss these matters.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 50-0238 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

VOLENTINE FRANCOS, P.L.L.C.

A handwritten signature in black ink, appearing to read "A. J. Telesz, Jr.", with a stylized flourish at the end.

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